

228101

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 30186 (Sub-No. 3)*

**TONGUE RIVER RAILROAD COMPANY, INC. --
CONSTRUCTION AND OPERATION -- WESTERN ALIGNMENT**

**REPLY TO REQUEST OF NORTHERN PLAINS RESOURCE COUNCIL
AND MARK FIX FOR ORAL ARGUMENT**

Betty Jo Christian
David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Attorneys for Tongue River Railroad
Company, Inc.

November 1, 2010

* This filing also embraces *Tongue River R.R.—Rail Construction and Operation—In Custer, Powder River and Rosebud Counties, MT*, STB Finance Docket No. 30186 (Served May 9, 1986), and *Tongue River R.R. Company—Rail Construction and Operation—Ashland to Decker, MT*, STB Finance Docket No 30186 (Sub-No.2) (Served Dec. 1, 1997).

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 30186 (Sub-No. 3)

**TONGUE RIVER RAILROAD COMPANY, INC. –
CONSTRUCTION AND OPERATION – WESTERN ALIGNMENT**

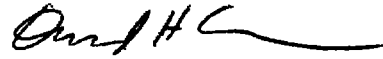
**REPLY TO REQUEST OF NORTHERN PLAINS RESOURCE COUNCIL
AND MARK FIX FOR ORAL ARGUMENT**

In a filing with the Board on October 12, 2010, Petitioners Northern Plains Resource Council and Mark Fix requested that the Board hear oral argument on their Petition to Reopen in these proceedings. Tongue River Railroad Company, Inc. ("TRRC") opposes this request. The Petitioners claim that the pleadings reveal material disputes over the record. However, Petitioners point to no such disputes, nor are there any of which TRRC is aware.

Petitioners also argue that there are material disputes about how previous rulings by the Board should be interpreted and the controlling legal standards for seeking the environmental supplementation that they seek. It is true that the parties disagree regarding the proper interpretation of certain Board rulings and the standards for supplementing an Environmental Impact Statement. However, this is not a sufficient reason for oral argument. The Board is perfectly capable of interpreting its own rulings and the legal standards for supplementing an EIS, which Tongue River believes are quite clear, without the need for oral argument.

Scheduling such argument would not only result in further delay, but would cause an unnecessary expenditure of resources by TRRC and the Board in connection with this matter. .

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long horizontal flourish extending to the right.

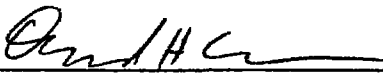
Betty Jo Christian
David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Attorneys for Tongue River Railroad
Company, Inc.

November 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November 2010, I have caused a copy of the foregoing Reply of Tongue River Railroad Company, Inc. to Request for Oral Argument to be served by first-class mail, postage prepaid, on counsel for all parties of record in STB Finance Docket Nos. 30186, 30186 (Sub-No. 2), and 30186 (Sub No.3).



David H. Coburn